



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,094	12/27/2000	Benjamin P. Fowler	837,031	4355

24106 7590 02/19/2002

HARRISON & EGBERT
412 MAIN STREET
7TH FLOOR
HOUSTON, TX 77002

EXAMINER

GONZALEZ, JULIO C

ART UNIT PAPER NUMBER

2834

DATE MAILED: 02/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,094

Applicant(s)

FOWLER, BENJAMIN P.

Examiner

Julio C. Gonzalez

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the electrical generator connected to the first and second arms as disclosed in claim 12 and generator connected to the struts as disclosed in claim 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 9-12, 14, 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Wurtz et al.

Wurtz et al discloses a windpower generating apparatus having a vertical support 11, a plurality of arms, plurality of vanes 21, and a plurality of struts (see figure 1), a top and bottom bearings 14, 27. Moreover, a generator 17 and gearbox 16 are disclosed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wurtz et al in view of Thomas.

Wurtz et al discloses a windpower generating apparatus having a vertical support 11, a plurality of arms, plurality of vanes 21, and a plurality of struts (see figure 1), a top and bottom bearings 14, 27. Moreover, a generator 17 and gearbox 16 are disclosed. However, Wurtz does not disclose the use of panels.

On the other hand, Thomas discloses for the purpose of providing a vertical windmill that can work efficiently and minimize operational cost, panels 30 attached at the ends of the struts (see figure 8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a wind generator as disclosed by Wurtz and to modify the invention by using panels for the purpose of providing a vertical windmill that can work efficiently and minimize operational cost as disclosed by Thomas.

5. Claims 13, 8, 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wurtz et al in view of Hsech-Pen (Patent # 4,649,284).

Wurtz et al discloses a windpower generating apparatus having a vertical support 11, a plurality of arms, plurality of vanes 21, and a plurality of struts (see figure 1), a top and bottom bearings 14, 27. Moreover, a generator 17 and gearbox 16 are disclosed. However, Wurtz does not disclose having the gear mounted on the vertical support.

On the other hand, Hsech-Pen discloses for the purpose of reducing damage by strong winds and improve the stability of the power generator, a gearbox 52 mounted on the vertical support, an alternator 55 connected to the gearbox and batteries 56 (see figures 4, 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a wind generator as disclosed by Wurtz and to modify the invention by placing the gearbox on the vertical support for the purpose of reducing damage by strong winds and improve the stability of the power generator as disclosed by Hsech-Pen.

Application/Control Number: 09/748,094
Art Unit: 2834

Page 5

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is (703) 305-1563. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jcg

February 6, 2002


NESTOR RAMIREZ
SUPERVISOR
TECHNOLOGY CENTER 2000